

HOWARD COCHRAN # 726705

Name and Prisoner/Booking Number

Fourth Avenue Jail

Place of Confinement

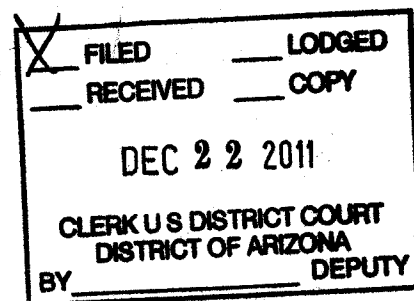
201 S. 4th Avenue

Mailing Address

Phoenix, AZ 85003

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

HOWARD COCHRAN

(Full Name of Plaintiff)

Plaintiff,

vs.

(1) MARK WARDIAN et. al.

(Full Name of Defendant)

(2) MICHAEL CAGGIANO

(3) SGT. JOHN DOE

(4) TODD EVERETT

Defendant(s).

☐ Check if there are additional Defendants and attach page 1-A listing them.

CV 11-2538 PHX-RCB(JFM)

CASE NO.

(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

- ☒ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☐ Other: _____

2. Institution/city where violation occurred: PHX

SCANNED

B. DEFENDANTS

1. Name of first Defendant: MARK WARDIAN. The first Defendant is employed as:
POLICE OFFICER at PHOENIX POLICE DEPARTMENT.
(Position and Title) (Institution)
2. Name of second Defendant: MICHAEL COGGIANO. The second Defendant is employed as:
DET at PHOENIX POLICE DEPT.
(Position and Title) (Institution)
3. Name of third Defendant: SGT. JOHN DOE. The third Defendant is employed as:
POLICE OFFICER at PHOENIX POLICE DEPT.
(Position and Title) (Institution)
4. Name of fourth Defendant: TODD EVERETT. The fourth Defendant is employed as:
POLICE OFFICER at PHOENIX POLICE DEPT.
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? 3. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: HOWARD COCHRAN v. LEE COUNTY SHERIFF DEPT
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?)
DISMISSED
 - b. Second prior lawsuit:
 1. Parties: HOWARD COCHRAN v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?)
PENDING
 - c. Third prior lawsuit:
 1. Parties: HOWARD COCHRAN v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?)
PENDING

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

COUNT I

1. State the constitutional or other federal civil right that was violated: 4th AMENDMENT
THE RIGHT TO BE SECURE IN THEIR PERSONA
2. Count I. Identify the issue involved. Check **only one**. State additional issues in separate counts.
- | | | | |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>PLANTED FALSE EVIDENCE</u> | |
3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.
- OFFICER MARK WARDIAN et., al STATED
THAT THE PLAINTIFF HAD SOME NARCOTIC DRUGS ON
HIM, TWO PEOPLE WAS WALKING WITH PLAINTIFF AND ONE OF THEM
THRU DOWN THE NARCOTIC OFFICER MARK WARDIAN et., al
STATED THAT THE TWO PEOPLE WAS TEN FEET IN FRONT
OF PLAINTIFF. THE PERSON THAT THRU DOWN NARCOTIC
IS WILLING TO COME TO COURT AND TESTIFY TO THIS
4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).
- MENTAL & EMOTIONAL STRESS &
PHYSICAL STRESS
5. **Administrative Remedies:**
- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☒ No
 - Did you submit a request for administrative relief on Count I? ☐ Yes ☒ No
 - Did you appeal your request for relief on Count I to the highest level? ☐ Yes ☒ No
 - If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. THEIR IS NONE

COUNT II

1. State the constitutional or other federal civil right that was violated: FOURTEEN AMENDMENT
EQUAL PROTECTION OF THE LAW

2. Count II. Identify the issue involved. Check **only one**. State additional issues in separate counts.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input checked="" type="checkbox"/> Other: <u>DISCRIMINATION</u>	

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

OFFICER MARK WARDIAN et. al
KNEW THAT BRIAN SMITH COMMITTED THE SAME
CRIME PLAINTIFF DID. IN FACT BRAIN TOLD OFFICERS ON SCENE
THAT HE HAD THE GUN AT ONE POINT, BUT PLAINTIFF
WAS THE ONLY ONE OFFICER MARK WARDIAN et. al
AND SGT. JOHN DOE CHARGED THE CRIME OF MISCONDUCT
INVOLVING WEAPON PLAINTIFF FEELS THAT HE WAS
DISCRIMINATED AGAINST WHEN PLAINTIFF WAS ONLY
PROTECTING HIMSELF JUST AS BRAIN AND WILL
WAS THAT WAS WITH HIM

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).
MENTAL & EMOTIONAL STRESS

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☒ No
- b. Did you submit a request for administrative relief on Count II? ☐ Yes ☒ No
- c. Did you appeal your request for relief on Count II to the highest level? ☐ Yes ☒ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. THEIR IS NONE

COUNT III

1. State the constitutional or other federal civil right that was violated: 8th AMENDMENT
CRUEL AND UNUSUAL PUNISHMENT

2. Count III. Identify the issue involved. Check **only one**. State additional issues in separate counts.

- ☐ Basic necessities ☐ Mail ☐ Access to the court ☐ Medical care
☐ Disciplinary proceedings ☐ Property ☐ Exercise of religion ☐ Retaliation
☒ Excessive force by an officer ☐ Threat to safety ☐ Other: _____

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

OFFICER MARK WARDIAN et al
GRAB PLAINTEFF HOWARD COLLIRAN FACE INTO THE
ROAD CAUSING CUTS TO APPEAR ON PLAINTEFF
FACE

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

PHYSICAL PAIN & DISFIGUREMENT OF FACE

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☒ No
- b. Did you submit a request for administrative relief on Count III? ☐ Yes ☒ No
- c. Did you appeal your request for relief on Count III to the highest level? ☐ Yes ☒ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. THERE IS NONE

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

E. REQUEST FOR RELIEF

State the relief you are seeking:

PUNITIVE & COMPENSATORY DAMAGES

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12.17.11

DATE

Howard Cochran

SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

Howard Cochran

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.

MARICOPA COUNTY SHERIFF'S OFFICE
JOSEPH M. ARPAIO SHERIFF

CERTIFICATION

I hereby certify that on this date December 19, 2011

I mailed the original and one (1) copy to the Clerk of the United States District Court, District of Arizona.

I further certify that copies of the original have been forwarded to:

____ Hon _____ United States District Court, District of Arizona.

____ Hon _____ United States District Court, District of Arizona.

____ Attorney General, State of Arizona.

____ Judge, _____, Superior Court, Maricopa County, State of Arizona.

____ County Attorney _____, Maricopa County, State of Arizona,

____ Public Defender _____, Maricopa County, State of Arizona.

____ Attorney _____



INMATE LEGAL SERVICES
Maricopa County Sheriff's Office
201 S. 4th Avenue
Phoenix, AZ 85003

972 6705
MARICOPA COUNTY SHERIFF'S OFFICE
INMATE LEGAL SERVICES
201 S. 4th AVENUE
PHOENIX, AZ 85003

U.S. District Court Clerk
U.S. Courthouse, Suite 130
401 W. Washington Street, SPC 10
Phoenix, AZ 85003

JFC 22 2011